

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE:

W.R. GRACE & CO., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 01-01139 (JKF)

## Jointly Administered

[Related to Docket No. 9382, 9604,  
9605, 9606 and 9610]

**JOINDER IN RESPONSES AND OBJECTIONS IN OPPOSITION TO DEBTORS'**  
**EMERGENCY MOTION FOR LEAVE TO TAKE DISCOVERY OF CLAIMANTS'**  
**ATTORNEYS**

Foster and Sear, LLP (“Foster”) by and through their undersigned attorneys, hereby respectfully states as follows in response to Grace’s Emergency Motion for Leave to Take Discovery of Claimants’ Attorneys (the “Motion”) (Docket No. 9382):

1. Grace's Motion is a pretext. Grace asserts that this far-reaching discovery is necessary for estimation, but the fact is, with regard to Foster's clients, Foster has not filed so-called silica "re-tread" cases. Moreover, Foster was not involved in the Texas silica multidistrict litigation (*In re Silica Products Liability Litigation*, MDL No. 1553 S.D. Tex.) (the "Texas Silica MDL") and is not mentioned in Judge Jack's opinion, 2005 WL 1593936 (S.D. Tex.). There is simply no basis whatsoever on which Foster is named in the Motion.

2. In lieu of burdening this Court with repetitive legal argument, Foster hereby joins in the previously submitted responses and objections as follows (collectively, the “Responses”):

<sup>1</sup> Debtors are referred to herein collectively as the "Debtor" or "Grace."

a. Response and Objection of Reaud, Morgan & Quinn, Inc. in Opposition to Debtors' Emergency Motion for Leave to Take Discovery of Claimants' Attorneys [Docket No. 9604];

b. Response of Baron & Budd, PC in Opposition to Debtors' Emergency Motion for Leave to Take Discovery of Claimants' Attorneys [Docket No. 9605];

c. Response of Silber Pearlman, LLP in Opposition to Debtors' Emergency Motion for Leave to Take Discovery of Claimants' Attorneys [Docket No. 9606]; and

d. Opposition of the Official Committee of Asbestos Personal Injury Claimants to Debtors' Emergency Motion for Leave to Take Discovery of Claimants' Attorneys [Docket No. 9610].

3. By way of conclusion, Foster states, as set forth in the Responses, the proposed questionnaire is baseless and improper. Moreover, in spite of being named as one of the law firms in footnote 1 of the Grace Motion as meeting the "criteria" unilaterally established by the debtors for full-blown discovery, Foster, in fact, meets none of the asserted criteria. Foster has not filed silica "retreads" against Grace and was not mentioned in Judge Jacks opinion, nor could it have been as Foster is not involved in the Texas MDL.

WHEREFORE, Foster prays that the Court enter its order denying Grace's Motion, and for such other and further relief to which Movants are entitled.

Dated: October 17, 2005

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**ATTORNEYS FOR FOSTER & SEAR, LLP**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of October, 2005, a copy of the foregoing *Joinder in Responses and Objections in Opposition to Debtors' Emergency Motion for Leave to Take Discovery of Claimants' Attorneys* was served by facsimile on the following parties:

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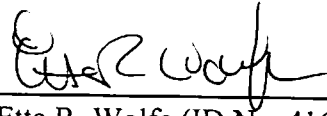
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